

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 6, 2005**

**IN RE:**

**APPLICATION OF VO2 NETWORKX, INC. FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE FACILITIES-BASED  
AND RESOLD COMPETING LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES**

**DOCKET NO.  
03-00641**

**Company ID: 128877**

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**ORDER REVOKING CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY TO PROVIDE FACILITIES-BASED AND RESOLD  
COMPETING LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES  
FOR NON-PAYMENT OF FEES**

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This matter came before Chairman Ron Jones, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on September 26, 2005 to cancel the Certificate of Public Convenience and Necessity of Vo2 Networkx, Inc. (the "Company") to provide facilities-based and resold competing local exchange telecommunications services in Tennessee due to non-payment of its annual inspection fee pursuant to Tenn. Code Ann. § 65-4-301(a)(1) (2004).<sup>1</sup>

The Company originally filed an Application to provide facilities-based and resold competing local exchange telecommunications services within the State of Tennessee on December 18, 2003. During a Hearing held on February 3, 2004, the Hearing Officer concluded

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<sup>1</sup> Tenn Code Ann. § 65-4-301(a)(1) (2004) provides

Every public utility doing business in this state and subject to the control and jurisdiction of the authority to which the provisions of this chapter apply, shall pay to the state of Tennessee on or before April 1 of each year, a fee for the inspection, control and supervision of the business, service and rates of such public utility

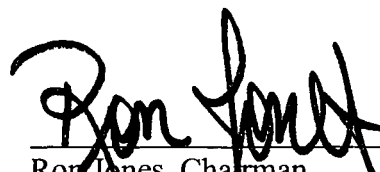
that the Company had met all the requirements for certification and the requirements of Tenn. Comp. R. & Regs. 1220-4-2-.57, which was promulgated pursuant to, *inter alia*, Tenn. Code Ann. § 65-2-102 (2004) and Tenn. Code Ann. § 65-4-201 (2004), and approved the Company's Application.


An initial notice advising the Company of its failure to comply with the requirements of Tenn. Code Ann. § 65-4-301(a)(1) (2004) was mailed on February 10, 2005. A second notice was mailed on May 11, 2005. Finally, a Notice of Cancellation was mailed on July 28, 2005 via certified mail. The Company failed to respond. As a result of this failure, this matter was placed on the September 26, 2005 Authority Conference for the voting panel assigned to this docket to consider revocation of the authority of the Company to provide facilities-based and resold competing local exchange telecommunications services due to non-payment of fees.

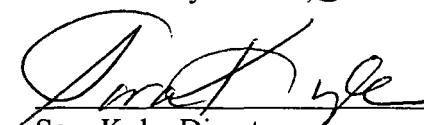
Based upon careful consideration of the record of this matter, the panel voted unanimously to revoke the authority of the Company to provide facilities-based and resold competing local exchange telecommunications services in Tennessee.

**IT IS THEREFORE ORDERED THAT:**

As a result of the non-payment of fees, the authority granted to Vo2 Networx, Inc. to provide facilities-based and resold competing local exchange telecommunications services within the State of Tennessee is revoked, and this docket is closed.

  
Ron Jones, Chairman

  
Deborah Taylor Tate, Director

  
Sara Kyle, Director